

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DEVIN A. WHITTIER, individually,

Plaintiff,

vs.

SEATTLE TUNNEL PARTNERS, a joint  
venture; HARRIS REBAR SEATTLE,  
INC., a Delaware corporation,

Defendants

No. 2:17-cv-00751

**MOTION, STIPULATION, AND  
ORDER TO STRIKE TRIAL DATE,  
ORDER NEW JOINT STATUS  
REPORT, AND SET NEW CASE  
SCHEDULE**

**COMES NOW** Plaintiff, by and through her undersigned attorneys of record, moves the Court to (1) strike the case schedule and trial date of June 4, 2018, (2) order the parties to submit a new joint status report, and (2) set a new case schedule.

Plaintiff brings this motion based upon good cause. **First**, Plaintiff filed a motion for leave to add the HNTB Corporation as a new party. Defendant Harris Rebar has stipulated to adding HNTB, and Defendant Seattle Tunnel Partners does not oppose the motion. It is anticipated that the HNTB Corporation will need additional time to conduct discovery. **Second**, Plaintiff recently had an MRI and learned that he has scarring to his liver and at least one kidney, which may be the source of his recent abdominal pains and bodily elimination issues. The

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1 etiology is currently unknown, but Plaintiff is undergoing treatment to determine the cause and  
2 best course of treatment, which is very likely to include referral to a gastroenterologist for  
3 further tests. The parties will need to consider this additional treatment for purposes of their  
4 expert disclosures. **Finally**, the parties are planning to conduct additional depositions that are  
5 necessary before finalizing expert reports.

6 The parties anticipate a trial continuance of roughly 5 to 6 months from the current trial  
7 date.

8 **THIS MOTION** is based upon all applicable court rules, the affidavit of counsel  
9 appended hereto, as well as in the interest of justice.

10 RESPECTUFLLY SUBMITTED this 6th day of December, 2017

11 PFAU COCHRAN VERTETIS AMALA, PLLC

12 By /s/ Darrell L. Cochran

13 Darrell L. Cochran, WSBA No. 22851

14 Kevin M. Hastings, WSBA No. 42316

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1 STATE OF WASHINGTON )  
2 : ss  
3 COUNTY OF PIERCE )

4 I, KEVIN M. HASTINGS, hereby declare under penalty and perjury under the laws of  
5 the State of Washington that the following is true and correct:

6 Darrell Cochran and myself appeared in this matter on Friday, December 1, 2017. We  
7 understand that the parties have currently filed a stipulated/unopposed motion for leave to add  
8 the HNTB Corporation as a new party. Likely, HNTB will need additional time to conduct  
9 discovery given the current deadlines. Striking the current trial date and case schedule and  
10 ordering the parties to confer with another joint statement would provide the Court with the  
11 information needed to set a new schedule for this case consistent with counsel's and the Court's  
12 existing trial docket.

13 It has also come to my understanding that Plaintiff Devin Whittier recently had an MRI  
14 due to abdominal pain and bodily elimination issues he has been having. The MRI results  
15 indicate that Plaintiff may have internal scarring on his liver and at least one kidney that might  
16 be causing his symptomology. Right now, the etiology is undetermined, but Plaintiff is  
17 currently undergoing treatment, and it is very likely that he will be referred to a  
18 gastroenterologist for further testing. Additional time is needed for Plaintiff to have a more  
19 complete understanding of the nature and severity of his damages being claimed so that the  
20 parties consider such information in their expert opinions.

21 Moreover, in reviewing the status of discovery, as well as discussing the matter with  
22 defense counsel, the currently named parties need to conduct additional discovery. The current  
23 case schedule and trial date does not leave sufficient time for the parties to complete the  
24 outstanding discovery needed for trial preparations.

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1 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE  
2 STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

3 Signed this 6th day of December, 2017, in Tacoma, Washington.  
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5 By: /s/ Kevin M. Hastings  
6 Kevin M. Hastings, WSBA No. 42316  
7 Attorney for Plaintiff  
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**STIPULATION**

Plaintiff and Defendants hereby stipulate that good cause exists to (1) strike the case schedule and trial date of June 4, 2018, (2) order the parties to submit a new joint status report, and (2) set a new case schedule. The parties further stipulate that a continuance of at least 5 to 6 months from the current trial date will be needed.

**Presented by:**

PFAU COCHRAN VERTETIS AMALA  
PLLC

By: /s/ Darrell L. Cochran  
Darrell L. Cochran, WSBA No. 22851  
Kevin M. Hastings, WSBA No. 42316  
Attorneys for Plaintiff

TORRONE LAW OFFICES, LLC

By: /s/ R. Randall Harrison  
R. Randall Harrison, WSBA No. 16514  
Attorney for Plaintiff

**Approved as to form:**

LEWIS BRISBOIS BISGAARD &  
SMITH, LLP

By /s/ Michael Jaeger  
Michael A. Jaeger, WSBA No. 23166  
Keith M. Hayasaka, WSBA No. 51949  
Attorneys for Defendant Seattle Tunnel  
Partners

WOOD, SMITH, HENNING &  
BERMAN, LLP

By /s/ Timothy Repass  
Timothy J. Repass, WSBA No. 38373  
Gavin Radkey, WSBA No. 48253  
Attorney for Defendant Harris Rebar

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**ORDER**

**THIS MATTER** having come in the above captioned matter, on the Motion, Stipulation, and Order to Strike Trial Date, Order New Joint Status Report, and Set New Case Schedule, and the Court being fully appraised after reviewing the record and finding the motion to be in order; **NOW THEREFORE,**

**IT IS HEREBY ORDERED, ADJUDGED and DECREED** that the current trial date is stricken, and the parties shall submit a new joint status report by no later than 30 days after service of the Complaint and Summons on the HNTB Corporation. Once a new joint status report is submitted, the Court will issue a new trial date and case schedule.

DATED this 15<sup>th</sup> day of December, 2017.

  
JUDGE ROBERT S. LASNIK

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